

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	
Pieter Theodorus Joseph Aquarius, et al.	)	Examiner: Unknown
International Application No. PCT/NL01/00351	)	Group Art Unit: Unknown
International Filing Date: May 8, 2001	)	
Serial No. 10/031,111	)	
Filed: January 8, 2002	)	
For: DEVICE FOR MANUFACTURING	)	
CUSHIONS FILLED WITH A	)	October 16, 2002
MEDIUM, SERIES OF CUSHIONS	)	
AND CUSHION MANUFACTURED	)	
BY SUCH A DEVICE, AND	)	
TUBULAR FOIL	)	

**PETITION TO FILE APPLICATION UNDER 37 CFR 1.47(b)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Free-Flow Packaging International, Inc., a corporation of the State of Delaware, with a place of business at Redwood City, California ("Free-Flow"), and the owner of a proprietary interest in the subject application, hereby petitions to file the application on behalf of and as agent for the inventors, all of whom have refused to execute the application. This petition is accompanied by a declaration signed on behalf of Free-Flow by its president Arthur Graham, a statement of facts signed by Free-Flow's undersigned attorney, and the petition fee.

As set forth in the declaration for the application, the inventors and their last known addresses are as follows:

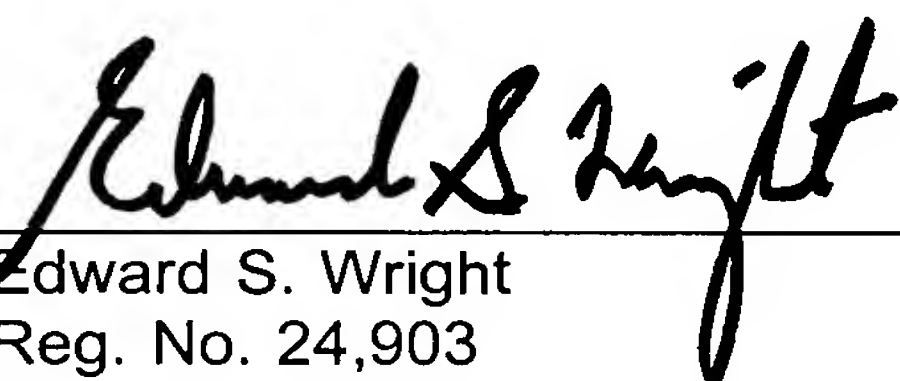
First Named Inventor:	Pieter Theodorus Joseph Aquarius
Last Known Address:	Industrieweg 24 NL-6039 AC Stramproy, The Netherlands
Second Named Inventor:	Frederik Cornelis Martinus Straver
Last Known Address:	Hilversumseweg 21 NL-1251 EV Laren, The Netherlands

As can be seen from the declaration and statement of facts, the inventors are in Europe, and contact with them has been through the Dutch firm of Vriesendorp & Gaade ("Vriesendorp") who represents Case Packing Sales Europe B.V. ("Case") which is owned and/or controlled by one of the inventors. The subject matter which is the subject of this application was developed jointly by Case and by Free-Flow through a Dutch affiliate. Free-Flow and Case have recently had a falling out and are currently involved in litigation. The inventors have failed to respond to repeated requests to sign declaration, assignment and power of attorney papers for the application, and it appears that the litigation may be the reason for that refusal.

Unless Free-Flow is permitted to proceed with the application without execution by the inventors, the patent rights in the invention will be lost, and it would be a gross miscarriage of justice to allow a disenchanted owner of a company in another country, hiding behind that company's Dutch attorneys, to prevent Free-Flow from obtaining its legitimate patent rights in the United States in this manner. The filing of the application without the inventors is thus necessary to preserve the rights of the parties and to prevent irreparable damage through abandonment of the application and loss of the patent rights.

A check in the amount of \$1,570.00 is enclosed for payment of the petition and extension fees required in this matter. The applicant is no longer a small entity for the purpose of paying reduced fees in the Patent Office. The Commissioner is authorized to charge any additional fees, including extension fees, and to credit any overpayment to Deposit Account 50-2319, Order No. A-71266/ESW.


Respectfully submitted,

By   
Edward S. Wright  
Reg. No. 24,903

(650) 494-8700

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that the foregoing PETITION TO FILE APPLICATION UNDER 37 CFR 1.47(b), the accompanying STATEMENT IN SUPPORT OF PETITION TO FILE APPLICATION UNDER 37 CFR 1.47(b) and DECLARATION FOR PATENT APPLICATION BY PARTY WITH PROPRIETARY INTEREST, and the attached check are being deposited with the United States Postal Service as Express Mail (No. EV 182093962 US) in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, D.C. 20231, on October 16, 2002.

  
Edward S. Wright

**DECLARATION FOR PATENT APPLICATION  
BY PARTY WITH PROPRIETARY INTEREST**

I, Arthur Graham, declare and state as follows:

1. I am a citizen of the United States, residing at 700 Westridge Drive, Portola Valley, California 94028.

2. I am the President of Free-Flow Packaging International, Inc. ("Free-Flow"), a corporation of the State of Delaware, with a place of business at 1090 Mills Way, Redwood City, California 94063-3120, one of the two co-applicants in the PCT application (PCT/NL01/00351) upon which the present U.S. application is based.

3. By virtue of Free-Flow's proprietary interest in the application, I make this declaration on behalf of, and as agent for, the following inventors who have refused to sign:

First Named Inventor:	Pieter Theodorus Joseph Aquarius
Citizenship:	Dutch
Last Known Address:	Industrieweg 24 NL-6039 AC Stramproy, The Netherlands

Second Named Inventor:	Frederik Cornelis Martinus Straver
Citizenship:	Dutch
Last Known Address:	Hilversumseweg 21 NL-1251 EV Laren, The Netherlands

4. At the time the invention was made, Frederik Cornelis Martinus Straver was an employee and the manager of Flo-Pak BV, which is wholly owned by Free-Flow Packaging International, Inc., and by virtue of such employment, Free-Flow has a proprietary interest in the application.

5. Upon information and belief, Pieter Theodorus Joseph Aquarius and Frederik Cornelis Martinus Straver are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **DEVICE FOR MANUFACTURING CUSHIONS FILLED WITH A MEDIUM, SERIES OF CUSHIONS AND CUSHION MANUFACTURED BY SUCH A DEVICE, AND TUBULAR FOIL** in an application which was filed on January 8, 2002, as Serial No. 10/031,111.

6. I have reviewed and understand the contents of the above-identified application, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

**DECLARATION FOR PATENT APPLICATION**

Page 1

Foreign priority benefits under Title 35, United States Code, §119 are hereby claimed for the following international and foreign applications for patent or inventor's certificate and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Application No.  
PCT/NL01/00351  
1015127

Country  
PCT  
Netherlands

Filing Date  
May 8, 2001  
May 8, 2000

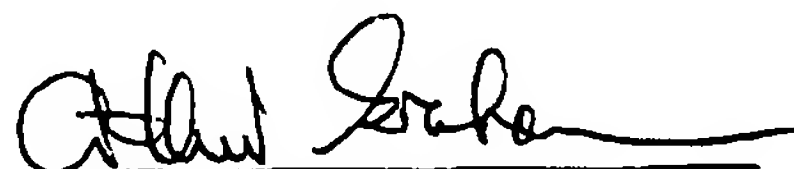
Direct all telephone calls regarding this application to Edward S. Wright at (650) 494-8700.

Address all correspondence regarding this application to:

Edward S. Wright  
DORSEY & WHITNEY LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: October 16, 2002

  
\_\_\_\_\_  
Arthur Graham

File A-71266/ESW

**POWER OF ATTORNEY**  
**AND EXCLUSION OF INVENTOR UNDER 37 C.F.R. 1.32**

To the Assistant Commissioner for Patents:

The undersigned owner of a proprietary interest in the application for letters patent Serial No. 10/031,111, filed January 8, 2002, entitled: **DEVICE FOR MANUFACTURING CUSHIONS FILLED WITH A MEDIUM, SERIES OF CUSHIONS AND CUSHION MANUFACTURED BY SUCH A DEVICE, AND TUBULAR FOIL** hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 1.32: Aldo J. Test, Reg. No. 18,048; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Michael A. Kaufman, Reg. No. 32,988; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 35,050; Robin M. Silva, Reg. No. 38,304; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; provided that if any one of said attorneys ceases being affiliated with the law firm of Dorsey & Whitney LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Direct all telephone calls to EDWARD S. WRIGHT at (650) 494-8700.

Address all correspondence to:

Edward S. Wright  
DORSEY & WHITNEY LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

FREE-FLOW PACKAGING INTERNATIONAL, INC.

By: Arthur Graham

Signature: 

Title: President

Address: 1090 Mills Way


Redwood City, California 94063-3120

Date: 16 Oct 02

File No. A-71266/ESW

CERTIFICATE OF EXPRESS MAILING

I HEREBY CERTIFY THAT THE FOREGOING PETITION FOR TWO MONTH EXTENSION OF TIME IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL (NO. EV 182093962 US) IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, BOX MISSING PARTS, WASHINGTON, D.C. 20231, ON October 16, 2002.

  
EDWARD S. WRIGHT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	
Pieter Theodorus Joseph Aquarius, et al.	)	Examiner: Unknown
International Application No. PCT/NL01/00351	)	Group Art Unit: Unknown
International Filing Date: May 8, 2001	)	
Serial No. 10/031,111	)	
Filed: January 8, 2002	)	
For: DEVICE FOR MANUFACTURING	)	
CUSHIONS FILLED WITH A	)	October 16, 2002
MEDIUM, SERIES OF CUSHIONS	)	
AND CUSHION MANUFACTURED	)	
BY SUCH A DEVICE, AND	)	
TUBULAR FOIL	)	

**STATEMENT IN SUPPORT OF PETITION  
TO FILE APPLICATION UNDER 37 CFR 1.47(b)**

I, Edward S. Wright, make the following statement under penalty of perjury and upon my oath of office as a registered patent attorney.

1. I filed the application identified above at the request of the Dutch firm Vriesendorp & Gaade ("Vriesendorp") on behalf of Case Packing Sales Europe B.V., a Dutch company ("Case"), and Free-Flow Packaging International, Inc., a corporation of the State of Delaware, with a place of business in Redwood City, California ("Free-Flow"). I represent Free-Flow, and Vriesendorp represents Case. The request came in the form of a letter dated 19 December, 2001, a copy of which is attached as Exhibit A. I am informed and believe that Case is owned and/or controlled by inventor Acquarius.

2. Since both of the inventors named in the application are residents of Holland and Vriesendorp is the one who was in contact with them and the one who asked me to file the application initially, I faxed declaration, assignment and power of attorney papers to Vriesendorp, with a letter dated December 21, 2001 (Exhibit B), requesting that they be signed by the inventors and returned for filing with the application.



3. That same day, my secretary Marie L. Cerimeli also sent the declaration, assignment and power of attorney papers to Vriesendorp by email (Exhibit C).

4. Vriesendorp did not respond to either my December 21 letter or my secretary's email, and on January 4, 2002, we faxed a follow-up letter to Vriesendorp (Exhibit D), indicating that we would proceed with the filing of the U.S. application without the formal papers if we did not receive them by the January 8 national phase filing deadline for the international application (PCT/NL01/00351) upon which the application is based. When the papers were not returned, I filed the application without them.

5. Upon receipt of the Notification of Missing Requirements under 35 U.S.C. 371, I sent new declaration, assignment and power of attorney papers to Vriesendorp, with a letter (Exhibit E) requesting that they be signed by the inventors and returned to me for filing in the U.S. Patent Office.

6. By letter dated June 12, 2002 (Exhibit F), Vriesendorp advised me that despite several reminders, they had not received the executed documents from their client, and asked that I obtain an extension of the term for submitting them.

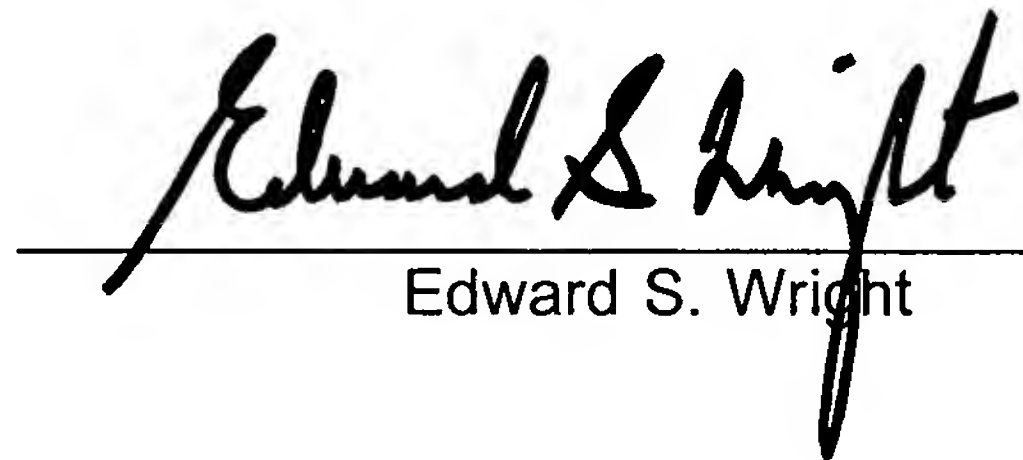
7. By letter dated June 17, 2002 (Exhibit G), I confirmed to Vriesendorp that we would obtain the necessary extension(s) and asked them to document the efforts they made to get the inventors to sign the declaration and assignment papers to aid us in completing the filing of the application without the inventors' cooperation.

8. By letter dated July 3, 2002 (Exhibit H), Vriesendorp advised me that they still had not received the executed declaration from the inventors and that they had sent another urgent reminder to them. In that letter, Vriesendorp also instructed me to proceed with the application without the inventors.

9. Since the July 3 letter, I have heard nothing further on the matter from Vriesendorp, and Vriesendorp has still not provided me with the documentation I had requested regarding their efforts to get the inventors to sign the declaration.

10. I am informed and believe that Free-Flow and Case had a good working relationship for several years and that the invention which is the subject of this application came out of that relationship. However, I am further informed and believe that in recent months Free-Flow and Case have been engaged in litigation which could involve the subject matter of this application, and I believe that litigation may be the reason the inventors have failed to respond to repeated requests to sign them.

This statement is made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Edward S. Wright

Flehr, Hohbach, Test, Albritton & Herbert  
4 Embarcadero Center, Suite 3400  
SAN FRANCISCO CA, 94111-4184  
UNITED STATES OF AMERICA

**BY FAX - +1 415 398 3249**  
**ORIGINAL FOLLOWS BY MAIL**

BEZOEKADRES visiting address  
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Postbus 266  
NL-2501 AW Den Haag  
TELEFOON telephone  
+31 70 - 3614721  
TELEFAX  
+31 70 - 3646793  
+31 70 - 3615957  
E-MAIL  
patnl@vriesendorp.nl  
INTERNET  
www.vriesendorp.com

The Hague, 19 December 2001.  
Ch. van der Hulst

**TELECOPIER  
CONFIRMATION**

Dear Sirs,

Re: United States national phase of international patent application No.  
PCT/NL01/00351 - FREE-FLOW PACKAGING INTERNATIONAL INC. and Case  
Packing Sales Europe B.V. - Device for manufacturing cushions filled with a medium,  
series of cushions and cushion manufactured by such a device, and tubular foil -  
your ref.: ... - our ref.: USP165429

In respect of the above International application we have received instructions to  
enter the US national stage as a continuation application.

In view of this we should appreciate receiving from you by return e-mail a Combined  
Declaration and Power of Attorney and Assignment form. To that effect we are  
enclosing a copy of the front page of the published PCT application.

In view of the **8 January 2002** deadline for entering the US national stage we look  
forward to hearing from you as soon as possible.

Very truly yours,

OCTROOIBUREAU  
VRIESENDORP & GAADE

Encl.: copy

2002 JAN -3 AM 9.54  
FLEHR, HOBACH, TEST,  
ALBRITTON & HERBERT  
RECEIVED

B

**FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP**

**FACSIMILE COMMUNICATION**

**FAX (650) 494-8771**

**TELEPHONE (650) 494-8700**

December 21, 2001

TO: OCTROOIBUREAU VRIESENDORP & GAADE  
FAX: 011-31-70-3646793  
FROM: EDWARD S. WRIGHT  
PAGES TRANSMITTED: 5

Re: Case Packing Sales Europe B.V.  
and Free-Flow Packaging International, Inc.  
U.S. National Phase Application Corresponding to  
PCT Patent Application No. PCT/NL01/00351  
**DEVICE FOR MANUFACTURING CUSHIONS FILLED  
FILLED WITH A MEDIUM, SERIES OF CUSHIONS  
AND CUSHION MANUFACTURED BY SUCH A DEVICE,  
AND TUBULAR FOIL**  
Your Ref: USP165429  
Our File A-71253/ESW

Gentlemen:

As requested in your letter of December 19, we are enclosing a Combined Declaration and Power of Attorney and an Assignment for use in filing the application in the United States. These documents are also being sent to you by email.

In order to meet the January 8, 2002 filing deadline, we will need to have the signed documents back no later than that date. As you may know, the U.S. Patent Office will now accept facsimile copies of such documents as long as you also send us the copies with the original signatures for retention in the file in case they should ever be requested.

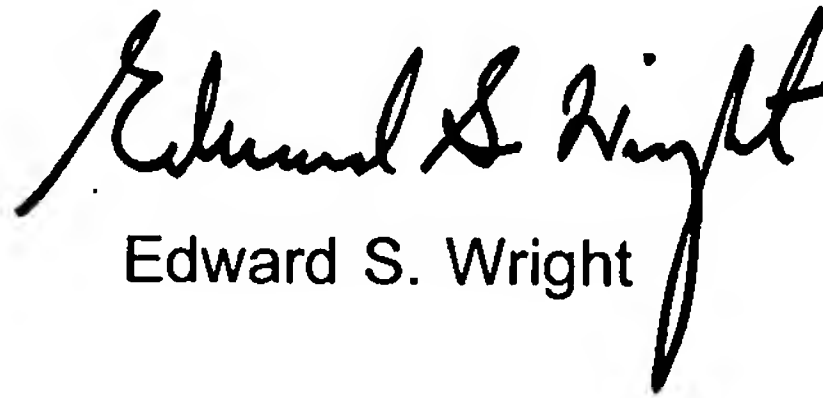
We now have a complete copy of the international application, so you will not need to send that to us. However, we do need the international search report. Please fax a copy of that report to us as soon as possible. In addition, please let us know if the claims were amended under PCT Article 19.

Octrooibureau Vriesendorp & Gaade  
December 21, 2001  
Page 2

All facsimile communications regarding this matter should be sent directly to my attention at our Palo Alto office, (650) 494-8771.

Very truly yours,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP



Edward S. Wright

ESW:mlc  
Enclosures

cc: Mr. Arthur Graham

**Cerimeli, Marie**

---

**From:** Cerimeli, Marie  
**Sent:** Friday, December 21, 2001 3:43 PM  
**To:** 'patnl@vriesendorp.nl'  
**Subject:** Your Ref.: USP165429

Gentlemen:

As requested in your letter of December 19, we are enclosing a Combined Declaration and Power of Attorney and an Assignment for use in filing the application in the United States.

In order to meet the January 8, 2002 filing deadline, we will need to have the signed documents back no later than that date. As you may know, the U.S. Patent Office will now accept facsimile copies of such documents as long as you also send us the copies with the original signatures for retention in the file in case they should ever be requested.

We now have a complete copy of the international application, so you will not need to send that to us. However, we do need the international search report. Please fax a copy of that report to us as soon as possible. In addition, please let us know if the claims were amended under PCT Article 19.

All facsimile communications regarding this matter should be sent directly to Mr. Wright's attention at our Palo Alto office, (650) 494-8771.

Marie L. Cerimeli  
for Edward S. Wright  
FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
850 Hansen Way, Suite 200  
Palo Alto, CA 94304-1017  
Telephone: (650) 494-8700  
Facsimile: (650) 494-8771



Assignment.doc



Declaration and Power  
of Attor...

**FLEHR HOHRBACH TEST ALBRITTON & HERBERT LLP**

**FACSIMILE COMMUNICATION**

**FAX (650) 494-8771**

**TELEPHONE (650) 494-8700**

January 4, 2002

**URGENT - JANUARY 8 DEADLINE**

TO: OCTROOIBUREAU VRIESENDORP & GAADE

FAX: 011-31-70-3646793

FROM: EDWARD S. WRIGHT

PAGES TRANSMITTED: 2

Re: Case Packing Sales Europe B.V.  
and Free-Flow Packaging International, Inc.  
U.S. National Phase Application Corresponding to  
PCT Patent Application No. PCT/NL01/00351  
**DEVICE FOR MANUFACTURING CUSHIONS FILLED  
FILLED WITH A MEDIUM, SERIES OF CUSHIONS  
AND CUSHION MANUFACTURED BY SUCH A DEVICE,  
AND TUBULAR FOIL**  
Your Ref: USP165429  
Our File A-71266/ESW (formerly A-71253/ESW)

Gentlemen:

We note that we have not as yet received the declaration and power of attorney papers which we sent to you on December 21 for execution by Messrs. Aquarius and Straver. In the event that we still do not have those papers by Tuesday (January 8), we will proceed with the filing of the application without them.

We do, however, need answers to our questions about the search report and amendments under Article 19. If the international search was done in the European Patent Office, the filing fee will be somewhat less than if the search was done elsewhere. In the event that we do not hear from you, we will proceed on the basis that the search report was not done in the EPO and that there are no amendments under Article 19.

If there were any amendments under Article 19, you will need to fax them to us immediately if you want them included in the U.S. application because the inextensible term for filing them ends January 8. That deadline is not too critical, however, because the same amendments can be made either by preliminary amendment or during the course of prosecution if we wish do so.



Octrooibureau Vriesendorp & Gaade

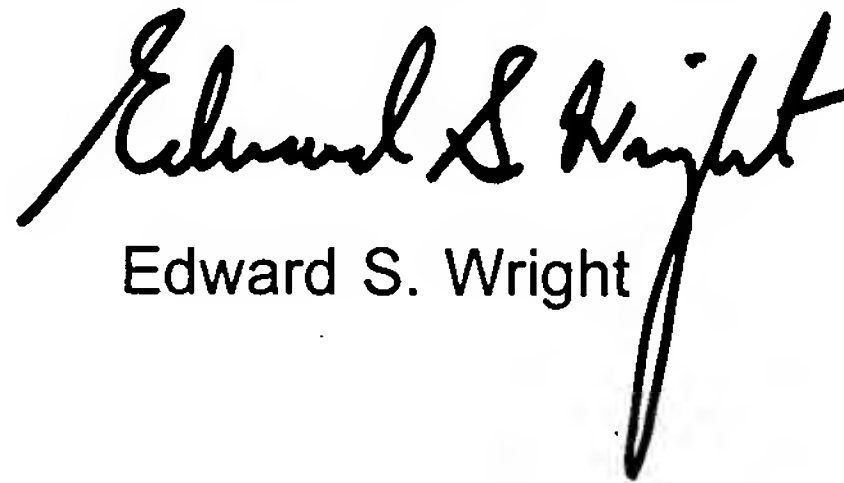
January 4, 2002

Page 2

Please fax your reply directly to my attention at our Palo Alto office, (650) 494-8700.

Very truly yours,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

A handwritten signature in black ink, appearing to read "Edward S. Wright". The signature is fluid and cursive, with a long, sweeping underline that extends below the printed name.

Edward S. Wright

ESW:mlc

cc: Mr. Arthur Graham

E

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
ATTORNEYS AT LAW

EDWARD S. WRIGHT  
(Palo Alto Office)

PATENTS, TRADEMARKS, COPYRIGHTS

FOUR EMBARCADERO CENTER  
SUITE 3400  
SAN FRANCISCO, CALIFORNIA 94111-4187

(415) 781-1989

850 HANSEN WAY  
SUITE 200  
PALO ALTO, CA 94304-1017

(650) 494-8700  
FAX: (650) 494-8771

April 29, 2002

VIA AIRMAIL

OCTROOIBUREAU VRIESENDORP & GAADE  
Postbus 266  
NL-2501 AW Den Haag  
THE NETHERLANDS

Re: Case/Free-Flow U.S. Patent Application  
**DEVICE FOR MANUFACTURING CUSHIONS FILLED  
FILLED WITH A MEDIUM, SERIES OF CUSHIONS  
AND CUSHION MANUFACTURED BY SUCH A DEVICE,  
AND TUBULAR FOIL** (PCT/NL01/00351)  
Your Ref: USP165429  
Our File A-71266/ESW (formerly A-71253/ESW)

Gentlemen:

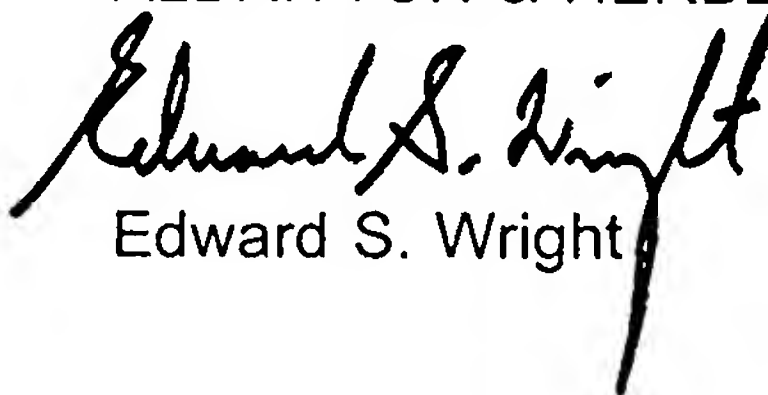
The Patent Office has now asked us to submit the formal papers which are required to complete the filing of this application, and the deadline for doing so is June 17, 2002. We have, therefore, prepared and are enclosing declaration, assignment and power of attorney papers for the application. If satisfactory, these should be signed as indicated by Messrs. Aquarius and Straver and returned to us for submission to the U.S. Patent Office.

Also enclosed is a copy of an information disclosure statement which has been submitted to the U.S. Patent Office. We trust that you will advise us of any pertinent prior art that you may be aware of and that you will send us copies of any references which have been already cited in corresponding applications in other countries.

Please let us know if there are any questions about the enclosed papers.

Very truly yours,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

  
Edward S. Wright

ESW:mlc  
Enclosures

cc: Mr. Arthur Graham (w/encs)

octroobureau  
**Vriesendorp & Gaade**  
DEN HAAG - APELDOORN

Sinds 1833  
Founded 1833

OCTROOIEN  
patents  
MERKEN  
trademarks  
MODELLEN  
designs  
ADVOCATUUR  
litigation  
LICENTIES  
licences  
ONDERZOEK  
searches

DORSEY & WHITNEY LLP  
850 Hansen Way, Suite 200  
PALO ALTO CA 94304-1017  
U. S. A.

BEZOEKADRES visiting address  
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POSTADRES mailing address  
Postbus 266  
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+31 70 - 3614721  
TELEFAX  
+31 70 - 3646793  
+31 70 - 3615957  
E-MAIL  
patnl@vriesendorp.nl  
INTERNET  
www.vriesendorp.com

The Hague, 12 June 2002  
Ch. van der Hulst/DB  
**BY TELEFAX - +1 650 494 8771**  
**ORIGINAL TO FOLLOW BY MAIL**

**TELECOPIER  
CONFIRMATION**

Dear Sirs,

Re: United States patent application No. 10/031,111 - Device for manufacturing cushions filled with a medium, series of cushions and cushion manufactured by such a device, and tubular foil - FREE-FLOW! PACKAGING INTERNATIONAL INC., Case Packing Sales Europe B.V. - your ref.: A-71266/ESW - our ref.: USP165429

In spite of several reminders, to date we still have not received the executed documents from our client.

In view of the above we request you kindly to have the 17 June 2002 deadline extended by filing a petition and fee for extension of time under the relevant provisions.

We look forward to receiving your confirmation in this respect.

Very truly yours,

OCTROOIBUREAU  
VRIESENDORP & GAADE

DORSEY & WHITNEY LLP  
2002 JUN 20 AM 9:59  
RECEIVED

6

**FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP**

**FACSIMILE COMMUNICATION**

**FAX (650) 494-8771**

**TELEPHONE (650) 494-8700**

June 17, 2002

TO: OCTROOIBUREAU VRIESENDORP & GAADE  
FAX: 011-31-70-3646793  
FROM: EDWARD S. WRIGHT  
PAGES TRANSMITTED: 1

Re: Case/Free-Flow U.S. Patent Application  
***DEVICE FOR MANUFACTURING CUSHIONS FILLED  
FILLED WITH A MEDIUM, SERIES OF CUSHIONS  
AND CUSHION MANUFACTURED BY SUCH A DEVICE,  
AND TUBULAR FOIL (PCT/NL01/00351)***  
Your Ref: USP165429  
Our File A-71266/ESW

Gentlemen:

In reply to your letter of June 12, we will obtain the necessary extension(s) of the term for filing the inventors' declaration.

In the event that you are not already doing so, please document all of your efforts to get Messrs. Aquarius and Straver to sign the declaration and assignment papers. As you may know, there are provisions in the United States for proceeding with a patent application without the inventors' cooperation, but we will need to show that Messrs. Aquarius and Straver have been asked to sign the declaration and have refused to do so. That is why it is important for you to document your efforts to get them to sign.

In the event that Messrs. Aquarius and Straver still have not signed the declaration by July 3, please send us copies of your documentation so that we can take the necessary steps to proceed with the application without them.

Very truly yours,

DORSEY & WHITNEY LLP

*Edward S. Wright /mlc*

Edward S. Wright

ESW:mlc

bcc: Mr. Arthur Graham, President

DORSEY & WHITNEY LLP  
850 Hansen Way, Suite 200  
PALO ALTO CA 94304-1017  
U.S.A.

Attn Mr Edward S Wright

BEZOEKADRES visiting address  
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NL-2514 BB Den Haag  
POSTADRES mailing address  
Postbus 266  
NL-2501 AW Den Haag  
TELEFOON telephone  
+31 70 - 3614721  
TELEFAX  
+31 70 - 3646793  
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The Hague, 3 July 2002  
Ch. van der Hulst/DB  
BY TELEFAX - +1 650 494 8771  
ORIGINAL TO FOLLOW BY MAIL

TELECOPIER  
CONFIRMATION

Dear Mr Wright,

Re: United States patent application No. 10/031,111 - 'Device for manufacturing cushions filled with a medium, series of cushions and cushion manufactured by such a device, and tubular foil'- FREE-FLOW PACKAGING INTERNATIONAL INC., Case Packing Sales Europe B.V. - your ref.: A-71266/ESW -  
our ref.: USP165429

We herewith refer to your fax letter dated 17 June 2002 in respect of the above patent application.

To date we still have not received the executed declaration from Messrs. Aquarius and Straver. Today we, again, sent an urgent reminder to Case Packing in respect of this matter.

Please proceed with the application without the declaration.

Very truly yours,

OCTROOIBUREAU  
VRIESENDORP & GAADE

DORSEY & WHITNEY LLP  
2002 JUL -9 AM 9:42  
RECEIVED

10/031111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Pieter Theodorus Joseph Aquarius, et al.

International Application No. PCT/NL01/00351

International Filing Date: May 8, 2001

Serial No. 10/031,111

Filed: January 8, 2002

For: DEVICE FOR MANUFACTURING  
CUSHIONS FILLED WITH A  
MEDIUM, SERIES OF CUSHIONS  
AND CUSHION MANUFACTURED  
BY SUCH A DEVICE, AND  
TUBULAR FOIL

Examiner: Unknown

Group Art Unit: Unknown

October 16, 2002

TRANSMITTAL OF FORMAL PAPERS

Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Sir:

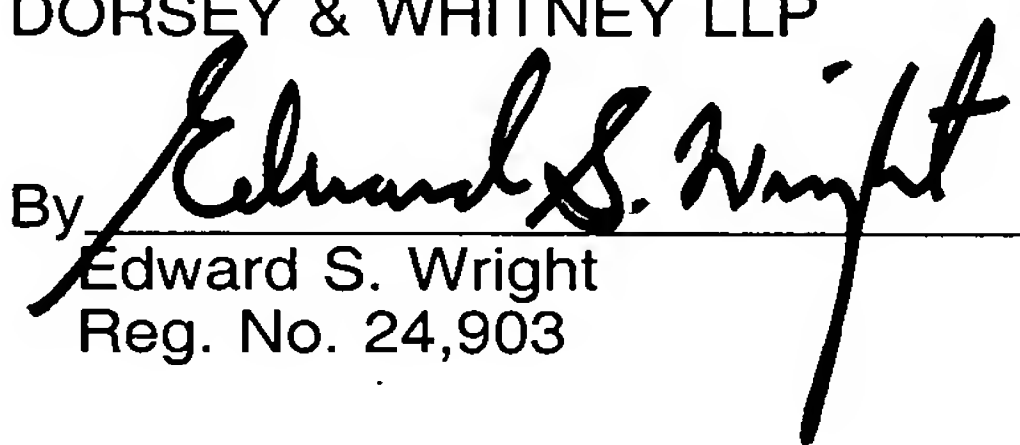
In response to the Notification of Missing Requirements Under 35 U.S.C. 371 mailed April 17, 2002, copy attached, applicant is submitting the Petition to File Application Under 37 CFR 1.47(b), Declaration for Patent Application by Party with Proprietary Interest, Statement in Support of Petition to File Application, Power of Attorney and Petition for Four Month Extension of Time for this application.

A check in the amount of \$1,570.00 is also enclosed for payment of the petition and extension fees. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2319 (Order No. A-71266/ESW).

Respectfully submitted,

DORSEY & WHITNEY LLP

By

  
Edward S. Wright  
Reg. No. 24,903

(650) 494-8700

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the foregoing Transmittal of Formal Documents is being deposited with the United States Postal Service as Express Mail (No. EV 182093962 US) in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, D.C. 20231, on October 16, 2002.

  
Edward S. Wright